

REMARKS

Claims 1-90 were pending in the application. Claims 1, 3, 10-13, 17-46, and 55-63 have been canceled without prejudice. Claims 2, 4-6, 9, 14-16, 46-48, 51, 54, 64, 74, 77, 80, 82, 83, and 86-90 have been amended, and new claims 91-105 have been added. Claims 64-90 have been withdrawn. Accordingly, after the amendments presented herein have been entered, claims 2, 4-9, 14-16, 47-54, and 64-105 will remain pending.

Support for the new claims can be found throughout the specification and in the claims as originally filed. Specifically, support for the amendments to the claims and for the new claims can be found in Table 1 (SEQ ID NOs:8, and 77-79).

No new matter has been added. Any cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

Response to Restriction Requirement

The Examiner has required restriction between the following inventions:

Group I (claims 1-54) directed to a compound consisting of 8-50 nucleotides or analogues that comprises a subsequence of at least 8 nucleotides wherein the subsequence is located within a sequence selected from the group consisting of SEQ ID NO: listed in claims 1, 3, or 12;

Group II (claims 55-63) directed to a method of making a medicament using a compound of claim 1 or a conjugate of claim 47; and

Group III (claims 64-90) directed to a method of treatment or of modulating gene expressing using the compound of claim 1, the conjugate of claim 47 or the pharmaceutical composition of claim 48.

Applicants hereby elect Group I (Claims 1-54) for prosecution on the merits and withdraw the claims of Group III (claims 64-90).

The Examiner has further required the election of a single species if Group I is chosen for prosecution on the merits. Applicants hereby elect SEQ ID NO: 77, *with traverse*. Applicants traverse requirement for the election of a single species.

Applicants believe that the requirement for the election of a single species for continued prosecution is improper. Claim 91 is directed to a genus of compounds derived from the compounds set forth as SEQ ID NOs:8 and 77-79. Accordingly, claim 91 is generic to the species set forth as SEQ ID NOs:8 and 77-79.

Applicants believe that a search of a single sequence, i.e., SEQ ID NO:77 will be coextensive with a search of the genus set forth in claim 91. The primary sequence of SEQ ID NO:8 is the same as the primary sequence of the molecules set forth as SEQ ID NOs:8 and 77-79. The molecules set forth as SEQ ID NOs:8 and 77-79 differ only by the presence and number of nucleotide analogs and the type of linkage used to attach the nucleotides and/or nucleotide

analogous to the neighboring nucleotide and/or nucleotide analog. Accordingly, Applicants believe that a search of the genus set forth in claim 91 will not be burdensome on the Examiner.

Further, the claimed compounds are related not only by structure as described above, but also by function. Each of the identified compounds is designed for use as an antagonist knockdown thioredoxin levels in cells.

Based on the structural and functional similarities of the compounds represented in the amended claims, Applicants respectfully request that the genus of compounds represented in claim 91 be used for prosecution on the merits.

However, if the Examiner maintains the requirement for restriction, Applicants respectfully submit that they have provided a generic claim, i.e., claim 91, and therefore, respectfully request that the Examiner reconsider and withdraw the requirement for the election of a single species for prosecution on the merits. Applicants respectfully submit that an election of a single species for search purposes under 35 U.S.C. 121 is more appropriate than the election of a single species for prosecution on the merits. For search purposes Applicants request that the Examiner use SEQ ID NO:77. Applicants understand that the claims will be restricted to this species if no generic claim is finally held allowable. Further, Applicants understand that upon the allowance of a generic claim, consideration will be given to the additional species as set forth in 37 C.F.R. 1.141 *et seq.*

Applicants have withdrawn the claims of Group III (claims 64-90). Applicants have amended the method claims of Group III to be dependent on the compositions of claim 91. Accordingly, it is Applicants' understanding that upon the allowance of a composition claim, the method claims that depend therefrom and contain all the limitations of the allowable composition claim will be entered as a matter of right.

Moreover, Applicants reserve the right to pursue claims directed to canceled or restricted subject matter in this or separate applications.

CONCLUSION

Applicant believes that no fee is due in connection with this amendment. However, if a fee is due, please charge any fees required in connection with the papers transmitted herewith to Deposit Account No. 04-1105.

In view of the above amendment, Applicants believe that the pending application is in condition for allowance. If a telephonic conversation would be helpful, the Examiner is urged to contact the undersigned.

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Respectfully submitted,

By 

Jonathan M. Sparks, Ph.D.

Registration No.: 53,624

EDWARDS & ANGELL, LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorneys/Agents For Applicant